

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

WASTE ACTION PROJECT,

Plaintiff,

v.

FIRST STUDENT, INC.; STRATA
ENVIRONMENTAL SERVICES, INC.,

Defendants.

CASE NO. 3:23-cv-05084-DGE

MINUTE ORDER DENYING
MOTION TO SEAL (DKT. NO. 21)

The following Minute Order is made by direction of the Court, United States District Judge David G. Estudillo:

Defendant Strata Environmental Services, Inc.’s (“Strata”) motion to file Exhibit A to the Declaration of Kevin Parr under seal (Dkt. No. 21) is DENIED. There is a strong presumption in favor of public access to court records and this presumption may typically be overcome only for “compelling reasons.” *See Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1096–97 (9th Cir. 2016). Protection of trade secrets constitutes a “compelling reason” to seal a judicial record. *Id.* at 1097; *see also Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1179 (9th

1 Cir. 2006). However, a party does not have a compelling reason to seal a document where it can
2 be redacted in lieu of being sealed. *See Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122,
3 1137 (9th Cir. 2003) (“We do not see how the presence of a small number of third-party medical
4 and personnel records that can be redacted with minimal effort constitutes ‘good cause,’ let alone
5 a compelling reason, for this protective order to overcome the strong presumption in favor of
6 public access.”). Local Civil Rule 5(g)(1) also states that “[a] party must explore all alternatives
7 to filing a document under seal.”

8 Strata argues that “[c]ompelling reasons support sealing Exhibit A to the Parr Declaration
9 because the document in question identifies negotiated pricing information and individual
10 program costs.” (Dkt. No. 21 at 2.) Strata, however, does not provide any argument as to why
11 the document at issue must be sealed, rather than redacted. Indeed, it appears to the Court that
12 redactions may suffice to limit any potential disclosure of Strata’s pricing or business strategies.

13 Accordingly, Strata’s motion to file Exhibit A under seal is DENIED. Strata SHALL file
14 a renewed motion to file Exhibit A under seal within seven days of the issuance of this order if it
15 believes Exhibit A cannot feasibly be redacted. Alternatively, Strata SHALL file a public,
16 redacted version of Exhibit A within seven days of the issuance of this order. The Clerk is
17 instructed to leave Exhibit A (Dkt. No. 28) under seal until otherwise directed.

18 Dated this 15th day of August, 2023.

19 The foregoing Minute Order authorized by THE HONORABLE DAVID G.
20 ESTUDILLO, UNITED STATES DISTRICT JUDGE.